

2 March 2018



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Dear Sir,

THE LONDON PLAN CONSULTATION DRAFT DECEMBER 2017 – REPRESENTATIONS ON BEHALF OF ELEPHANT & CASTLE PROPERTIES CO LIMITED

These representations are submitted to the Mayor of London ('the Mayor') and Greater London Authority ('the GLA') on behalf of our client, Elephant & Castle Properties Co Limited ('ECPCL'), in respect of the draft London Plan which was published for consultation in December 2017.

Our client has submitted a planning application for the major mixed use redevelopment of the existing Elephant and Castle Shopping Centre and London College of Communication sites (London Borough of Southwark Application Reference 16/AP/4458). Alongside the provision of a mix of new residential, retail, leisure, cultural uses and significant new public realm, the proposed development will deliver a new education facility for UAL: LCC, as well as a new Station Entrance and Station Box for use as the London Underground Northern Line Ticket Hall. The residential element of the proposed scheme is proposed predominately as rental accommodation, together with an element of social rented affordable housing. Overall, the scheme comprises 979 new homes in a range of sizes, including 35% affordable housing. The planning application remains under determination by the Council.

Phasing is a key consideration for the proposed development. Subject to planning permission being granted, it is envisaged that redevelopment of the existing Shopping Centre (known as the 'East Site') could commence in late 2018 or 2019 and be completed by 2024/25. Work on the existing LCC site (known as the 'West Site') would follow, with an approximate 4 year construction period.

In our view the planning application generally accords with the draft London Plan and will make a significant contribution towards meeting its overarching policy objectives. It is within this context that our client very much welcomes the opportunity to make representations on the draft London Plan. We provide our comments on the relevant policy issues pertinent to the site and the ECPCL proposals below.



Chapter 1: Planning London's Future

Policy GG1 – Building strong and inclusive communities. We support this policy and note that the proposals for Elephant & Castle will contribute towards delivery of the policy objectives, particularly in respect of the crucial role town centres have.

Policy GG2 – Making the best use of land. We support this policy and note that the proposal for Elephant & Castle is high density mixed-use development on well-connected brownfield land within an Opportunity Area.

Policy GG4 – Delivering the homes Londoners need. We support this policy and note that the proposals for Elephant & Castle deliver a significant element of new high quality homes, of which affordable homes are also delivered on-site.

Policy GG5 – Growing a good economy. We support this policy, and in particular note that the proposals for Elephant & Castle include a new state of the art home for UAL:LCC, supporting London's role in innovation, research and an international centre for learning.

Chapter 2 – Spatial Development Patterns

Policy SD1 – Opportunity Areas. The draft clearly recognises the critical importance of Opportunity Areas in the delivery of housing as well as other important policy areas. We support the pro-development approach that runs throughout the draft document, especially with regard to Opportunity Areas. However, there must be a strong statement of intent in terms of maximising their development output. In particular, SD1 A(5) states that development in Opportunity Areas should 'maximise' the delivery of affordable housing specifically, rather than housing in general terms. Given the acute and well documented housing need recognised elsewhere in the draft, Policy SD1 should contain explicit support for maximising housing development generally. The draft is silent in relation to strategic guidance for development of the majority of London's Opportunity Areas, including Elephant & Castle – this should be provided to ensure a consistent approach and direction for all Opportunity Areas.

Policy SD4 – The Central Activities Zone (CAZ). We support the overarching objectives of this policy, however in respect of SD4(B) it should be made clear that the CAZ's office function forms part of the overall land use balance, and flexibility should be applied to enhancement and intensification, drawing on market signals and demand. The CAZ should maintain an appropriate balance of uses without compromising wider vitality or viability, therefore in some instances land use shifts are appropriate, as is the case at Elephant & Castle. Similar comments apply to SD4(C) insofar as sustaining and enhancing of distinct environment and heritage should be applied flexibly, with regard to other objectives and priorities of the plan.

Policy SD5 – Offices, other strategic functions residential development in the CAZ. We support the exclusion of Elephant & Castle from those Opportunity Area's where offices and other CAZ strategic functions are given greater weight relative to new residential development – this is representative of the significant residential capacity of Elephant & Castle alongside (and without detriment to) delivery of other main town centre uses, as evidenced by the current application. We therefore support the application of equal weight to these uses, as drafted under SD5(D). However, bearing in mind this equality of weight between uses, and the references to agglomerations of offices elsewhere in the supporting text, SD5(H) should be more flexible insofar as provision of a net increase in office space should not be required. If it is demonstrated that office floorspace has no reasonable prospect of being



used then the test should be fulfilled, rather than then having to provide alternative provision elsewhere, let alone a net increase. This policy should be revisited and redrafted.

Policy SD6 – Town centres. We support this policy, and in particular SD6(D) which identifies town centre locations as appropriate for Build to Rent, as is proposed at Elephant & Castle. The policy should also recognise the role tall buildings have within town centre locations to optimise density and deliver new homes.

Policy SD7 – Town centre network. We support this policy, the definition of major town centres, and the classifications identified for Elephant & Castle in Annex 1.

Policy SD8 – Town centres: development principles and Development Plan Documents. We generally support this policy, however, as referenced at SD8(C)2), it is not relevant nor within the planning system's remit to dictate rental levels of commercial space – this is a market consideration. This text should be deleted in its entirety.

Chapter 3 – Design

Policy D4 – Housing quality and standards. We support the general approach to this policy but suggest further flexibility is included in Part F specific to daylight and sunlight.

The Housing SPG (March 2016) recognises the challenges of applying BRE guidance in dense areas such as London. This has since been recognised in a very recent appeal decision (ref. APP/E5900/W/17/3171437, 21/02/18) where the Inspector drew attention to the importance of a flexible approach. Based on this case law, and is as accepted across the industry, the policy should advocate an appropriate degree of flexibility when using BRE guidelines to assess daylight and sunlight impacts of development on surrounding properties, together within new residential development itself. The guidance should be applied even more flexibly to high density development, specifically in Opportunity Areas, town centres and well-connected locations.

Policy D6 – Optimising housing density. We support this policy and the removal of density targets, instead optimising density based on context, accessibility and infrastructure provision. However, the management plan arrangements are not relevant to density considerations. We agree that higher density development may need to be subject to greater levels of design scrutiny, however the detail suggested for management plans (e.g. service charge costs) is not usually available at planning application stage. Any requirement for management plans are usually subject to planning condition, and therefore this requirement should be removed, or else relocated elsewhere in the plan.

Policy D8 – Tall buildings. We support the general approach to this policy and recognition that tall buildings have an important role to play in accommodating London's growth. However, the policy should specifically reference the acceptability in-principle of tall buildings in Opportunity Areas, town centres and at transport nodes such as Elephant & Castle.

Policy D12 – Agent of Change. The overarching principles of this policy are supported, however the accompanying text should be elaborated upon and made clear that to further reduce potential conflict, existing noise-generating uses should operate sensitively, and in accordance with their respective licencing obligations.



Chapter 4 – Housing

Policy H1 – Increasing housing supply. The general principle and approach of this policy is supported.

Policy H13 – Build to Rent. We support the provision of a specific policy for Build to Rent, recognising the contribution it can make to housing and affordable housing delivery. We agree with H13(B)2 that a 15 year covenant is appropriate, but whilst this figure may be expected to increase as the market matures, that should not be specified at this time and instead be deferred to subsequent policy in the future.

Chapter 5 – Social Infrastructure

Policy S6 – Public Toilets. Whilst the intention of this policy is supported, we consider it should be amended to provide greater flexibility based on local circumstances and the types of development being proposed. For example in the case of the proposed Elephant & Castle development, substantial toilet provision is expected to be publicly accessible via new shops, bars, restaurants and leisure uses, (together with UAL:LCC’s own provision for their students), and therefore further standalone provision may not be appropriate and may add further viability pressure to marginal schemes, space for which may be better utilised for additional town centre uses to support regeneration and provision of services. The policy should be amended accordingly.

Chapter 6 – Economy

Policy E1 – Offices. We support the overarching principles of this policy, and in particular the directive for development to support redevelopment, intensifying and change of use of surplus office space to other uses.

Policy E2 – Low-cost business space. It is concerning that this policy could (perhaps unintentionally) add viability constraints on regeneration projects and new developments. Protecting existing, low value uses, has the potential to increase financial burden by reducing development value and increasing costs. The draft requirements of Part B will either prevent new commercial development, or mean it comes forward at the expense of other policy objectives and/or financial contributions that development may be able to make. Clearly low-cost business space has its place as part of new development to ensure there are adequate opportunities for all, but the detailed requirements of this policy should first be revisited to ensure it has been thoroughly thought through.

Policy E9 – Retail, markets and hot food takeaways. We support the general approach set out by this policy.

Conclusion

We trust that our representations are helpful to the Mayor and will be considered as the preparation of the new London Plan continues. These comments are submitted without prejudice to any further representations that may be made at a later date, either in writing or at public examination which we reserve the right to take part in. If you require any clarification on any matters, or wish to discuss our representations further, please do not hesitate to contact Richard Ward or Alan Hughes at this office.



Yours faithfully

DP9 Ltd

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